

**CIVIL LIST ACT 2009****AN ACT**

to

prescribe under article 25(2) of the Constitution the remuneration and other entitlements of the Members of the Assembly and the Speaker

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1 Short Title

This is the Civil List Act 2009.

2 Interpretation

In this Act -

"Acting Premier" means a Minister discharging the functions of Premier pursuant to article 9(1) or (2) of the Constitution;

"Member" means a person elected as a member of the Assembly under article 16 of the Constitution;

"Minister" means a member who has been appointed as such under Article 5 of the Constitution, but does not include a temporary Minister;

"Premier" means a member of the Assembly elected under Article 4 of the Constitution but does not include an Acting Premier;

"Speaker" means the Speaker of the Niue Assembly elected under article 20 of the Constitution but does not include a member of the Assembly performing the functions of the Speaker under that article;

"temporary Minister" means a Member appointed as a temporary Minister under article 8 of the Constitution.

3 Remuneration and allowances

There is payable to the Members and the Speaker the remuneration and allowances specified in the Schedule.

4 Appropriation

A remuneration or allowance payable under this Act is to be paid out of the Niue Government Account without further appropriation.

5 Payment of remuneration

(1) A remuneration specified in Part 1 of the Schedule is payable by equal fortnightly instalments in arrears with a proportionate payment for any fraction of a fortnight served.

(2) The rate of remuneration in Part 1 of the Schedule is deemed to be effective from 1st July, 2009.

6 Period for which the Premier's and Ministers' remuneration and allowances are payable

The remuneration and allowances of the Premier and each Minister of Cabinet shall commence on the day on which he/she is appointed under article 4 and 5 of the Niue Constitution and end on the day that he/she vacates his/her office under Article 3 or Article 7 of the Niue Constitution.

7 Period for which Members' remuneration and allowances are payable

(1) The remuneration and allowance of each member shall commence on the day the Chief Electoral Officer publicly declares him/her to be elected and shall cease on the day a new Member has been declared by the Chief Electoral Officer or unless his/her seat becomes vacant by death or otherwise as the case may be.

(2) Where a member is returned unopposed his/her period of remuneration shall recommence on the date that the Chief Electoral Officer declares him/her to be elected and shall cease on the date a new Member has been declared by the Chief Electoral Officer or unless his/her seat becomes vacant by death or otherwise as the case may be.

8 Advance of remuneration

(1) If a person who is entitled to be paid a remuneration under Part 1 of the Schedule is due to be absent from Niue he or she may be paid that remuneration in advance -

(a) If the person is due to be absent from Niue on official business connected with his or her position in the Assembly, for such part of the absence as the person is due to spend on that official business; or

(b) In any other case, for the period of his or her absence from Niue up to a maximum period of 4 weeks from his or her departure from Niue.

9 Advance of overseas travel allowance

(1) An overseas travel allowance payable under Part 2 of the Schedule may be paid in advance of the travel.

(2) If on the return of a person to whom an overseas travel allowance has been paid in advance it is found that the allowance was paid in respect of too few days allowance in respect of the additional days is to be paid to the person.

(3) If on the return of a person to whom an overseas travel allowance has been paid in advance it is found that the allowance was paid in respect of too many days the allowance paid in respect of the additional days is to be refunded by the person to whom it was paid within 7 days of his or her return to Niue.

(4) Any overseas travel allowance not repaid by a person under subsection (3) may be deducted from any other money payable to that person under this Act.

10 Allowances to be treated as taxable income

An allowance referred to in Part 2 of the Schedule except for the Clothing Allowance, Overseas Travel Allowance, Premier's Entertainment and Residence Allowance, is to be treated as taxable income for income tax purposes.

11 Members assisting a Minister

(1) The Premier may, as the Premier sees fit, at any time appoint a member to assist a Minister.

(2) No more than three members may at any time hold appointment under subsection (1).

(3) Every appointment of a member under subsection (1) is effective from the date of notification of the appointment, and ends on the date of notification of termination, by the Premier in writing to the Financial Secretary.

(4) Public notice shall be given of every appointment and termination of appointment under this section.

12 Effectiveness of Remuneration and Allowances

Notwithstanding section 7, the remuneration and allowances in clause 3 shall be deemed to be effective from 1st July, 2009.

13 Repeal

The Civil List Act 1999 is repealed.

SCHEDULE

PART 1 - REMUNERATION

Office	Rate of Remuneration - Annual
Premier	\$60,803
Minister	\$39,315
Member	\$16,686
Speaker	\$20,251

PART 2 - ALLOWANCES

Type of allowance	Amount of allowance
Premier's entertainment allowance Payable to the Premier to cover costs incurred by the Premier in hosting official functions.	\$1,500 per annum
Premier's residence allowance Payable to the Premier to cover the cost of maintaining the Premier's residence	\$6,000 per annum
The Ministers Payable to a minister annually to cover costs incurred in relation to official duties and representation at functions	\$3,000 per annum
Acting Premier's allowance Payable to a Minister when acting as Premier	\$100 per day in addition to remuneration as a Minister
Temporary Minister's allowance Payable to a Member when acting as a Minister	\$70 a day in addition to remuneration as Member
Clothing allowance	Premier \$800 payable every 3 years Minister \$750 payable every 3 years Speaker \$500 payable every 3 years Member \$500 payable every 3 years The allowance is payable on the

	<p>person first becoming a member of the Assembly and is then payable not sooner than 3 years after the payment of any previous clothing allowance of any amount.</p>
<p>Overseas travel allowance Payable to the Premier, a Minister, a Member, and the Speaker in connection with the person's official duties - To cover accommodation, meals and incidental expenses necessarily incurred in carrying out such duties.</p>	<p>Premier \$500 daily allowance Minister \$350 daily allowance Speaker \$200 daily allowance Member \$200 daily allowance</p> <p>The allowance may differ in respect of the office in the Assembly held by the person travelling and by the country or countries to be visited by the person. The allowance payable is to be adjusted by an equal amount to any allowance that is to be paid by a person other than the Government of Niue to cover accommodation, meals and incidental expenses.</p>
<p>Overseas entertainment allowance Payable to the Premier, a Minister, a Member, and the Speaker in connection with the person's official duties.</p>	<p>Premier \$450 per trip Minister \$300 per trip Member \$250 per trip Speaker \$250 per trip</p> <p>The allowance may differ in respect of the office in the Assembly held by the person travelling and by the country or countries to be visited by the person.</p>
<p>Select Committee Member's Allowance Payable to a Select Committee Member who attends Select Committee meetings</p>	<p>For meetings outside of normal working hours \$70 per day. For meetings between 8.30am-12.30pm during normal working hours \$50 per day. For meetings during normal working hours between 8.30am and 4.00pm and beyond, \$100 per meeting</p>
<p>Speaker's Allowance Payable to the Speaker to cover costs incurred in relation to official duties</p>	<p>\$1,000 per annum</p>

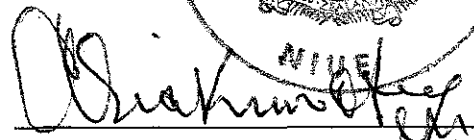
and representation at functions	
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I, ATAPANA SIAKIMOTU, Speaker of the Niue Assembly, hereby certify that the requirements of Article 34 of the Niue Constitution have been duly complied with.

SIGNED AND SEALED at the Assembly Chambers this 21st day of December 2009




Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker


Clerk of the Niue Assembly

This Act was passed by the Niue Assembly on the 16th day of December 2009.

This Act is administered by the Treasury Department.